

REMARKS

The Office Action dated August 18, 2008 has been received and considered. In this response, claims 1, 18, and 28 have been amended. Support for the amendments may be found in the specification and drawings as originally filed. Claims 8, 16, and 17 have been cancelled without prejudice or disclaimer. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Anticipation Rejection of Claims 1-5, 7-10, 28-31, 33 and 34

At page 2 of the Office Action, claims 1-5, 7-10, 28-31, 33 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Markosian et al. (U.S. Patent No. 6,446,239).

Claim 1 has been amended to recite “in response to determining the nonobject increasing operation does not reduce the size of the critical path, restoring the circuit layout.” Markosian does not disclose restoring a circuit layout in response to determining an operation does not reduce the size of a critical path. Accordingly, Markosian fails to disclose at least one element of claim 1.

The Office asserts at page 9 that “it is inherent in the art that if a device adjustment does not result in a device meeting a certain performance criteria, alternate solutions are sought.” However, according to the MPEP “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)...’To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).” In this case, the Office has made no showing that restoring a circuit layout is necessarily disclosed by the cited art. Even assuming *arguendo* that alternate solutions may be sought when a device adjustment does not meet a performance criteria, this does not necessarily imply that the circuit layout will be restored. Instead, other adjustments in the layout,

specification, device design, or other feature could be adjusted to adapt to the new layout. Accordingly, the features of claim 1 are not inherently disclosed by the cited references.

Claims 2-5 and 7, 9 and 10 depend from claim 1. Accordingly, Markosian fails to disclose at least one element of these claims, at least by virtue of their dependence on claim 1. Further, these dependent claims recite additional novel elements.

Claim 8 has been cancelled without prejudice or disclaimer.

Claim 28 has been amended to recite “in response to determining the object redistribution operation or the automated object rotation operation does not reduce the size of the critical path, restoring the circuit layout.” For reasons similar to those set forth above with respect to claim 1, Markosian fails to disclose at least these elements of claim 28.

Claims 29-31, 33, and 34 depend from claim 28. Accordingly, Markosian fails to disclose at least one element of these claims, at least by virtue of their dependence on claim 1. Further, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the anticipation rejection of claims 1-5, 7-10, 28-31, 33 and 34 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 6 and 11

At page 6 of the Office Action, claims 6 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al. (U.S. Patent No. 6,584,599). This rejection is hereby respectfully traversed.

Claims 6 and 11 depend from claim 1. As explained above, Markosian fails to disclose at least one element of claim 1. Further, Fujii does not remedy the deficiencies of Markosian. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of claims 6 and 11. Further, claims 6 and 11 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 6 and 11 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 32 and 35

At page 6 of the Office Action, claims 32 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al. This rejection is hereby respectfully traversed.

Claims 32 and 35 depend from claim 28. As explained above, Markosian fails to disclose at least one element of claim 28. Further, Fujii does not remedy the deficiencies of Markosian. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of claims 32 and 35. Further, claims 32 and 35 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 32 and 35 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 12-17

At page 7 of the Office Action, claims 12-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii, further in view of Ganesh et al. (U.S. Patent No. 6,823,500). This rejection is hereby respectfully traversed.

Claims 12-17 depend from claim 1. As explained above, Markosian fails to disclose at least one element of claim 1. Further, Fujii and Ganesh do not remedy the deficiencies of Markosian. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of claims 12-17. Further, claims 12-15 recite additional novel elements.

Claims 16 and 17 have been cancelled without prejudice or disclaimer.

In view of the foregoing, withdrawal of the obviousness rejection of claims 12-17 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claim 18

At page 9 of the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al.

Claim 18 has been amended to recite “in response to determining the automated transistor width portion redistribution operation does not reduce the size of the critical path, restoring the circuit layout.” For reasons similar to those set forth above with respect to claim 1, the cited references, individually and in combination, fail to disclose at least these elements of claim 18.

In view of the foregoing, withdrawal of the obviousness rejection of claim 18 and reconsideration of the claim is respectfully requested.

Obviousness Rejection of Claims 19-27

At page 10 of the Office Action, claims 19-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii, further in view of Ganesh et al. This rejection is hereby respectfully traversed.

Claims 19-27 depend from claim 18. As explained above, Markosian fails to disclose or render obvious at least one element of claim 18. Further, Fujii and Ganesh do not remedy the deficiencies of Markosian. Accordingly, the cited references, individually and in combination, fail to disclose at least one element of claims 19-27. Further, claims 19-27 recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 19-27 and reconsideration of the claims is respectfully requested

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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Date